

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

ROCKY STEWART WIEBE,  
Petitioner,  
v.  
UNITED STATES OF AMERICA,  
Respondent.

Civ. Case No. C 07-4635-JF  
Crim. Case No. CR 04-20171-JF

ORDER DIRECTING UNITED  
STATES TO RESPOND TO  
§ 2255 MOTION

19 Petitioner, a prisoner in federal custody, has filed a Motion to Vacate, Set Aside or  
20 Modify Sentence pursuant to 28 U.S.C. § 2255. IT IS ORDERED as follows:

21 \_\_\_\_\_(1) The Clerk of the Court shall (a) serve a copy of the Motion and a copy of this  
22 Order upon counsel for Respondent, the Office of the United States Attorney, Northern District  
23 of California and (b) serve a copy of this Order on Petitioner.

24 (2) Respondent shall, in writing and within thirty (30) days after receiving this Order,  
25 file an opposition to the Motion showing cause why the Motion should not be granted.

26 (3) Petitioner may file a reply within twenty (20) days after receiving the opposition.

27 (4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon

1 the filing of the reply or upon the expiration of time to file a reply.

2 DATED: 10/11/07

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5 JEREMY FOGEL  
6 United States District Judge  
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1 Copies of this order were sent to the following parties on 10/12/07:

2 United States Attorney  
3 Carlos Singh  
3 150 Almaden Blvd., Ste 900  
3 San Jose, CA 95113  
4

5 Law Offices of Robert W. Lyons  
5 295 West Winton Avenue  
6 Hayward, CA 94544  
6

7 Rockey Stewart Wiebe  
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9 California City  
9 Correctional Institution  
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10 California City, CA 93504  
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